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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,102	01/31/2001	Lisa S. Martin	DC-02830	1750
33438 7590 09/06/2007 HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			EXAMINER GORT, ELAINE L	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/773,102	Applicant(s) MARTIN ET AL.	
	Examiner Elaine Gort	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Board Decision 3/28/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note: This action is in response to the Board Decision of March 28, 2007.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1 and 3-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

It is unclear in claim 1 line 8 regarding which considering is being referred to, the considering from suppliers of line 3 or the considering of supplier logistics centers of line 5, or the considering of both suppliers and the logistics centers.

It is unclear in claim 7 line 7 regarding which considering is being referred to, the considering from suppliers of line 2 or the considering of supplier logistics centers of line 4, or the considering of both suppliers and the logistics centers.

It is unclear in claim 13 line 8 regarding which considering is being referred to, the considering from suppliers of line 3 or the considering of supplier logistics centers of line 5, or the considering of both suppliers and the logistics centers.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,236,901) in view of Shavit et al. (US Patent 4,799,156).**

Goss discloses the claimed methods for ordering material and manufacturing a computer system, Goss discloses that materials/components are ordered from warehouses and/or delivered just in time (see column 6 paragraph 2), but is silent regarding components being ordered based on considering quantities of materials available from suppliers and supplier logistics centers via a computer system.

Shavit et al. discloses that it is well known in the art of supply chains to identify suppliers and distributors capable of supplying materials by considering quantities of inventory available. Shavit et al discloses where buyers can contact suppliers and distributors with requests for quotes (RFQ) which inherently includes quantities desired that are compared to quantities available by the suppliers and distributors in order to determine if the order can be filled with the benefit of providing automated means for procuring desired materials/components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of supplying materials and manufacturing computers of Goss with the on-line ordering

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involving considering of quantities available from suppliers and distributors of Shavit et al., in order to provide automated means for procuring desired materials/components.

Regarding where the order specifies delivery of the material within a specified time period of less than one day, Examiner takes Official Notice that it is notoriously old and well known in the art of supply chains to provide needed items on an expedited schedule such as immediate delivery within a day so that manufacturers can have the needed items quickly or just-in-time.

5. Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,236,901) in view of Southam (US Patent 6,594,641).

Goss discloses the claimed methods for ordering material and manufacturing a computer system, Goss discloses that materials/components are ordered from warehouses and/or delivered just in time (see column 6 paragraph 2), but is silent regarding components being ordered based on considering quantities of materials available from suppliers and supplier logistics centers via a computer system.

Southam discloses that it is well known in the art of supply chains to identify suppliers and warehouses capable of supplying materials by considering quantities of inventory available to provide automated means for procuring desired materials. Southam discloses an on-line ordering system utilizing stock databases (such as database 46) containing stock information pertaining to each warehouse to verify that sufficient quantities of the desired products are available and to locate the closest

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supply source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of supplying materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Southam, in order to provide automated means for procuring desired materials/components.


Regarding where the order specifies delivery of the material within a specified time period of less than one day, Examiner takes Official Notice that it is notoriously old and well known in the art of supply chains to provide needed items on an expedited schedule such as immediate delivery within a day so that manufacturers can have the needed items quickly or just-in-time.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571/272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Elaine Gort', with a stylized flourish extending from the end.

Elaine Gort
Primary Examiner
Art Unit 3627

September 3, 2007